

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
ATAX NEW YORK, INC., et al.,

Plaintiffs,

-v-

JOEL CANELA #1, et al.,

Defendants.

CIVIL ACTION NO.: 21 Civ. 5916 (JPC) (SLC)

**ORDER**

**SARAH L. CAVE**, United States Magistrate Judge.

On July 9, 2021, Plaintiffs ATAX New York, Inc., ATAX Franchise Inc., and ATAX Cloud Bookkeeping, Inc. brought this action against Defendants Joel Canela #1, Alcides Mendoza alias Joel Canela a/k/a Joel Canela #2, Sterling Mateo (“Mateo”), Ingrid LaMarche (“LaMarche”), Walber Lugo (“Lugo”), Arcadio Consulting, Inc. (“Arcadio”), F1 Consulting Services, Inc., and Joel Canela #2 a/k/a Alcides Mendoza d/b/a F1 Consulting Services, alleging breach of contract and violations of New York state and federal racketeering laws, and seeking a judicial determination that an order issued in New York State Supreme Court, Bronx County, as to Defendants Alcides Mendoza alias Joel Canela a/k/a Joel Canela #2, F1 Consulting Services, Inc., and Joel Canela #2 a/k/a Alcides Mendoza d/b/a F1 Consulting Services be given full faith and credit pursuant to Article IV, Section I of the U.S. Constitution. (ECF No. 1 (the “Complaint”)). On August 30, 2021, Defendants Mateo, LaMarche, Lugo, and Arcadio moved pursuant to Federal Rules of Civil

Procedure 12(b)(1) and 12(b)(6) to dismiss the breach of contract and racketeering claims against them. (ECF No. 29 (the “Motion”)).<sup>1</sup>

On July 29, 2022, the Honorable John P. Cronan partially granted the Motion. (ECF No. 58). Specifically, Judge Cronan dismissed the breach of contract and racketeering claims (*i.e.*, all claims) against Arcadio, and the racketeering claims against Mateo, LaMarche, and Lugo. (*Id.*) That same day, Judge Cronan referred the matter for general pretrial supervision. (ECF No. 59).

Pursuant to Federal Rule of Civil Procedure 12(a)(4)(A), Mateo, LaMarche, and Lugo were required to respond to the Complaint by August 12, 2022. To date, however, these Defendants have neither responded to the Complaint nor requested an extension of time to do so. Nonetheless, as a one-time courtesy, the Court sua sponte extends this deadline, and directs Defendants Mateo, LaMarche, and Lugo to respond to the Complaint by **August 24, 2022**.

Dated:           New York, New York  
                  August 17, 2022

SO ORDERED.

  
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SARAH L. CAVE  
United States Magistrate Judge

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<sup>1</sup> Defendants Joel Canela #1, Alcides Mendoza alias Joel Canela a/k/a Joel Canela #2, F1 Consulting Services, Inc., and Joel Canela #2 a/k/a Alcides Mendoza d/b/a F1 Consulting Services have not appeared in this action. On March 9, 2022, the Clerk of Court entered a certificate of default as to Joel Canela #1. (ECF No. 55). On April 1, 2022, after Plaintiffs requested leave to file a motion for default judgment against Joel Canela #1 (ECF No. 56), Judge Cronan denied Plaintiffs’ request without prejudice to renewal “after the Court has resolved the issue of liability and damages as to the Defendants who have appeared in this action.” (ECF No. 57).